

1792-016

Southampton County

Chancery Papers : Scoggin vs Belcheres vol

1792

Scoggin

or

by?

Belsches

disposed

To the worshipping the court of Southampton county
sitting in chancery Humbly complaining sheweth unto
your worships your orator James Scoggin that sometime in
the year of our Lord one thousand seven hundred &
suit was instituted in this worshipping court in the name of James
& Hugh Belcher against James Scoggin (y^r orator in this bill)
for the sum of
alleging that your orator had given his hand for the amount
of so much money. And y^r orator further sheweth unto
your worships that there was a witness to the hand on which
the said James & Hugh Belcher brought suit. But the
said witness being a resident of a different state, &
your orator having heard nothing of the said witness
for many years, naturally concluded that ere the trial
of the said cause he must have been deceased.
And y^r orator further sheweth that the witness just
mentioned was a few days since living, & was, &
a sworn y^r orator he ever would be ready to
solemnly swear that he never witnessed such
a writing. And your orator further begs leave
to suggest & insist, that he never made such an instru-
ment of writing as he was impleaded on, nor did
he ever acknowledge such to be his hand, nor did he
ever in any instance whatever bind himself by
such a hand. But so it is may it please your

worships that an action at common law having been
instituted in this court, of record had judgment given
against him for the full amount of the bond. All
which actings & doings are contrary to equity & good
consequence, & tend to injure & oppress y^e orator.

On tender consideration whereof, & for as much as
your orator is remediless by the strict rigor of the common
law, & only relievable in account of equity, where matters
of this kind are particularly cognizable. To the end
therefore that the s^d defendants may on their corporal
oath full true & perfect answer make to all & singular
the allegations of this bill as fully as if again
set forth & interrogated; but especially whether
there was not such abuse as is herein set forth?
& whether there was not a witness absent at the trial
of the cause? whether there was not judgment on
the s^d writing obligatory to the full amount thereof?
Whether y^e orator ever gave, or made, such a writing
obligatory to the s^d James & Hugh Belcheres? And
that your worships may perpetually injoin the defendants
in this bill from further proceedings on the s^d judgment,
& grant unto y^e orator the commonwealths most gracious
aids or writs of Subpoena & injunction directed to the s^d

James & Hugh Belcheres is the prayer of y^e orator: or that
y^e worships may ^{make} such further or otherwise as may appear just

reasonable - may it please ye
The ^{truth} of the above allegations sworn to
before me

Wm. Kincaid

P. Drew for the plaintiffs

The answer of James Belcheres Junr. for James & Hugh
Belcheres, to the Bill of Injunction exhibited by James Scoggings
and now depending in the worshipfull court of Southampton
Saieth that your respondent, James Belcheres, knows that
there was such a Bond as is set forth in the Bill, for so much
money, but that he does not know, whether any witness was absent
at the Tryall, as he was present, and never heard any, call'd upon
but was satisfy'd, that the signature of the s^d. James Scoggings
to the said Bond was proven to the satisfaction of the Court, and
upon which a judgment for the Sum mention'd in the Bond, with
Interest was obtain'd. Your Respondant well knows, that there
was such a Bond obligatory from James Scoggings, to the
afore said James & Hugh Belcheres for sundry wares and
merchandise sold and deliver'd by your respondent, to the said
James Scoggings. Your respondent further sayeth, that the
said James Scoggings hath assum'd the payment of the said
Debt & costs, since obtaining the Judgment, as will be fully
proven to your Worships, by the Oath of Alexander Belcheres.
The Prayer of your Respondant is, that the said bill of injunction
be dissolv'd, and that your Worships make such further
Deferre as may be just towards the Recovery of the said Debt
& costs May it please V^{rs}

James Belcheres Junr
for
James & Hugh Belcheres

of Surrey County ~~do~~ March 8. 1792
In above Answer to the bill of Injunction
depending in the Worshipfull Court of
Southampton between James Scoggings
& James & Hugh Belcheres, sworn to by
James Belcheres Junr before me a Justice
of the Peace for the aforesaid County
Thomas Peter

Jas. Scoggin ^{Sup} & Co
ingrassion
Decr. 1791.

Know all men by these presents that we James Scoggin
& Jacob Barden Jr.
are held and firmly bound unto James & Hugh Belcher
in the sum of twenty four pounds & cost be

current money of Virginia to the which payment well and
truly to be made unto the said James & Hugh Belcher
and his heirs and assigns we bind ourselves our heirs, executors,
and administrators jointly and severally firmly by these
presents. Scaled with our seals this 9 day of Dec^r

1791

The condition of this obligation is such that whereas the
said James & Hugh Belcher hath obtained
a judgment at common law against the said James
Scoggin — in the county court of Southampton for
twenty four pounds ~~and cost~~
and cost and the said James Belcher
hath obtained an injunction to stay the execution of the said
Judgment untill the matter in equity upon a Bill for that
purpose filed can be heard. If therefore the said Scoggin
shall satisfy and pay the said judgment at common law
and all costs and damages that shall be awarded to the said
Belcher — in case the said injunction shall be
dissolved then the above obligation to be void or else to remain
in full force and virtue

Scaled and delivered
in the presence of
The court

James ^{his} Scoggin Seal
mark
Jacob Barden Jr. Seal